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GENERAL AND COMPLETE DISARMAMENT

REVIEW AND IMPLEMENTATION OF THE CONCLUDING DOCUMENT OF THE TWELFTH SPECIAL SESSION OF THE GENERAL ASSEMBLY

REVIEW OF THE IMPLEMENTATION OF THE RECOMMENDATIONS AND DECISIONS ADOPTED BY THE GENERAL ASSEMBLY AT ITS TENTH SPECIAL SESSION

REVIEW OF THE IMPLEMENTATION OF THE DECLARATION ON THE STRENGTHENING OF INTERNATIONAL SECURITY

Letter dated 13 May 1996 from the representatives of China, Kazakstan, Kyrgyzstan, the Russian Federation and Tajikistan to the United Nations addressed to the Secretary-General

We have the honour to transmit herewith the text of the Agreement between the Russian Federation, the Republic of Kazakstan, the Kyrgyz Republic, the Republic of Tajikistan and the People's Republic of China on confidence building in the military field in the border area, signed by the heads of those States on 26 April 1996 in Shanghai (see annex).

* A/51/50.

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We should be grateful if you would have the text of the Agreement and this letter circulated as an official document of the General Assembly under agenda items 71, 72, 73 and 81 of the preliminary list.

(Signed) QIN Huasun
Ambassador
Permanent Representative
of the People's Republic of
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(Signed) A. ARYSTANBEKOVA
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ANNEX

[Original: Chinese and Russian]

Agreement between the Russian Federation, the Republic of Kazakstan, the Kyrgyz Republic, the Republic of Tajikistan and the People's Republic of China on confidence building in the military field in the border area

The Russian Federation, the Republic of Kazakstan, the Kyrgyz Republic and the Republic of Tajikistan, constituting the Joint Party, and the People's Republic of China, hereinafter referred to as the Parties,

Considering that the maintenance and development of long-term relations of good-neighbourliness and friendship correspond to the fundamental interests of the five States and their peoples;

Convinced that the strengthening of security and the preservation of tranquillity and stability in the border area between the Russian Federation, Kazakstan, Kyrgyzstan and Tajikistan, on the one hand, and China, on the other (hereinafter referred to as the border area) are an important contribution to the maintenance of peace in the Asia and Pacific Ocean region;

Confirming the mutual non-use of force or threat of its use and renunciation of unilateral military superiority;

Guided by the Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the People's Republic of China on the guiding principles for the mutual reduction of armed forces and confidence-building in the military field in the Soviet-Chinese border area, of 24 April 1990;

In accordance with the results attained by the Parties in the negotiations on the mutual reduction of armed forces and confidence-building in the military field in the border area;

Striving to build confidence and enhance the level of transparency in the military field,

Have agreed as follows:

Article 1

The armed forces of the Parties which are stationed in the border area as an integral part of the Parties' armed forces shall not be used to attack the other Party or carry out any military activity threatening the other Party and disturbing tranquillity and stability in the border area.

Article 2

1. In order to develop relations of good-neighbourliness and friendship, maintain a situation of long-term stability in the border area, and strengthen mutual trust in the military field in the border area, the Parties shall undertake the following measures:

1.1 They shall exchange information on the agreed components of the armed forces and the border troops (border units);

1.2 They shall not conduct military exercises directed against the other Party;

1.3 They shall limit the scale, geographical scope and number of military exercises;

1.4 They shall give notification of any large-scale military activity and troop movements resulting from emergency situations;

1.5 They shall give notification of the temporary entry of troops and weapons into the 100-kilometre geographical zone on both sides of the border between the Russian Federation, Kazakstan, Kyrgyzstan and Tajikistan, on the one hand, and China, on the other (hereinafter referred to as the border);

1.6 They shall invite observers to military exercises, on a reciprocal basis;

1.7 They shall give notification of the temporary entry of river-going combat vessels of navies or naval forces into the 100-kilometre geographical zone on both sides of the eastern part of the Russian-Chinese border;

1.8 They shall take measures to prevent hazardous military activity;

1.9 They shall inquire about unclear situations;

1.10 They shall strengthen friendly contacts between military personnel of the armed forces and the border troops (border units) in the border area and shall carry out other confidence-building measures agreed upon by the Parties.

2. The application of the measures listed above is defined in detail in the corresponding articles of this Agreement.

Article 3

1. The Parties shall exchange information regarding the size of the personnel and the number of basic types of weapons and military equipment of the ground troops, air forces, air-defence air forces and border troops (border units) stationed in the 100-kilometre geographical zone on both sides of the border.

The Parties shall exchange the above-mentioned information in accordance with the basic categories for the exchange of information, which constitute an inseparable part of this Agreement.

2. The information shall be provided as follows:

2.1 Sixty days after the entry into force of this Agreement - information as of the date of the entry into force of the Agreement;

2.2 By 15 December of each year - information as of 1 January of the following year.

3. The information which the Parties exchange in accordance with the provisions of this Agreement and receive in the course of implementing this Agreement shall be confidential. Neither of the Parties shall divulge, publish or give this information to a third party without the consent thereto of the other Party. In the event of termination of this Agreement, the Parties shall continue to comply with the provisions of this paragraph of the present article.

Article 4

1. The Parties shall not conduct military exercises directed against the other Party.

2. In the 100-kilometre geographical zone on both sides of the border, the Parties shall not conduct troop exercises with more than: 40,000 participants, on the eastern part of the Russian-Chinese border; and 4,000 participants or 50 battle tanks, separately or together, on the western part of the Russian-Chinese border and on the border of Kazakstan, Kyrgyzstan and Tajikistan with China.

3. In the 100-kilometre geographical zone on both sides of the eastern part of the Russian-Chinese border, the Parties shall not conduct military exercises with over 25,000 participants more than once a year.

4. Within the limits of a 15-kilometre zone on both sides of the border, the Parties may not conduct military exercises with participation in live firing by more than one regiment.

5. Within the limits of a 10-kilometre zone on both sides of the border, the Parties shall not deploy new military units other than border troops (border units).

Article 5

1. The Parties shall give notification of any military activities conducted in the 100-kilometre geographical zone on both sides of the border in the following circumstances:

1.1 When military exercises involving more than 25,000 participants are conducted;

1.2 When troops stationed outside the 100-kilometre geographical zone on both sides of the border are temporarily introduced into the zone, if they number 9,000 or more or are accompanied by 250 or more battle tanks;

1.3 When reserve personnel numbering 9,000 or more are called up to the 100-kilometre zone on both sides of the border.

2. The Parties shall, on a voluntary basis, notify one another of military exercises involving personnel numbering 9,000 or more or 250 or more battle tanks carried out at any time in the 100-kilometre geographical zone on both sides of the border or outside the limits of that zone.

3. Notification of the above-mentioned military activities shall be given in writing through the diplomatic channel not less than 10 days before the activity is to commence.

The notification shall include information on the total number of personnel taking part; the number of military units at the strength of a regiment or larger taking part; the number of battle tanks, armoured vehicles, artillery systems of a calibre of 122 mm or greater, military aeroplanes and helicopters, and tactical missile launchers; and the purposes, timetable and geographical scope of the military activities and the level of command.

4. If as a result of any military activity one of the Parties may cause harm to the other Party or if in an emergency movements of troops numbering 9,000 or more or the cooperation of other Parties should be required, timely notification thereof shall be given to the other Party.

Article 6

1. A Party conducting military exercises in the 100-kilometre geographical zone on the border shall invite observers from the other Party, if the number of troops taking part is 35,000 or more.

2. Parties conducting military exercises in the 100-kilometre geographical zone on both sides of the border shall invite observers from the other Party on a reciprocal basis if the troops taking part in the exercises number 25,000 or more.

3. Parties conducting military exercises in the 100-kilometre geographical zone on both sides of the border and outside the limits of the zone shall on a voluntary and reciprocal basis invite observers from the other side, if the troops taking part number 13,000 or more or if 300 or more battle tanks are involved.

4. The Party extending the invitation shall send it to the other Party in writing through the diplomatic channel not less than 30 days before the start of the exercises and shall provide information on:

4.1 The starting date and duration of the exercises and the planned duration of the programme of observation;

4.2 The date, time and place of arrival and departure of the observers;

4.3 The means of observation to be made available to the observers;

4.4 Arrangements for transport, and accommodation and board.

The invited Party shall respond to the invitation not less than 10 days before the date indicated in it as the date for the arrival of the observers. If a reply is not received from the invited Party within the prescribed period, it shall be taken that observers are not being sent.

5. The invited Party may send no more than six observers to the military exercises to be observed.

6. The invited Party shall defray the costs of transporting its observers to and from the designated point of arrival and departure. The receiving Party shall defray the costs related to the stay of the observers in its territory.

7. The Party extending the invitation shall provide the observers with an observation programme, relevant materials and other assistance.

8. The observers shall be responsible for observing the relevant rules of the receiving Party with regard to the place, itinerary and limits of the observation.

Article 7

1. River-going combat vessels of the Parties' navies or naval forces (ships and motor launches designed for combat operations and armed with combat-weapons systems) may temporarily enter the 100-kilometre geographical zone on both sides of the border for the following purposes:

1.1 To eliminate the consequences of natural disasters;

1.2 To travel across the 100-kilometre geographical zone on both sides of the border without inflicting any damage.

2. Russian river-going naval combat vessels may temporarily enter the 100-kilometre geographical zone on the eastern section of the Russian-Chinese border for the following purposes:

2.1 Repair, upgrading, weapons removal, ship-breaking and refitting for civilian use at the ship-repair yards at Khabarovsk and Blagoveshchensk or other ship-repair yards;

2.2 Participation in national holiday celebrations at Khabarovsk and Blagoveshchensk.

3. Temporary entry of river-going naval or naval-forces combat vessels into the 100-kilometre geographical zone on both sides of the border for

purposes not indicated above may only be carried out following prior agreement between the Parties.

4. The total number of each Party's river-going naval or naval-forces combat vessels simultaneously located in the 100-kilometre geographical zone on both sides of the border shall not exceed four vessels.

5. Six months after the entry into force of this Agreement, the Parties shall, pursuant to articles 1 and 2 of this article, inform each other, in writing within a period of seven days through the diplomatic channel or through the intermediary of border representatives, of the temporary entry by river-going naval or naval-forces combat vessels into the 100-kilometre geographical zone on both sides of the border. In emergencies, the other Party must receive prior notification before river-going naval or naval-forces combat vessels may enter the said zone temporarily.

6. Such notification shall contain the following information:

6.1 Purpose of the temporary entry;

6.2 Type, vessel numbers and number of incoming river-going naval or naval forces combat vessels;

6.3 Date on which presence in the zone will start and finish;

6.4 Their temporary location (geographical name and geographical coordinates).

Article 8

1. The Parties shall take the following measures to prevent hazardous military activity and the consequences thereof in the border area:

1.1 Personnel of the Parties' armed forces shall exercise caution when performing military activities in the border region;

1.2 During troop movements, exercises, combat firing, ship movements and aircraft flights, the Parties shall endeavour to prevent such operations from developing into hazardous military activity;

1.3 The use of lasers by either Party must not damage the other Party's personnel or equipment through radiation;

1.4 The use by either Party of radio-frequency jamming of its own communications control network must not damage the other Party's personnel or equipment;

1.5 When performing combat-firing exercises, measures shall be taken to prevent bullets, shells and missiles from straying into the other Party's territory and causing harm to its personnel or equipment.

2. When incidents caused by hazardous military activity occur, the Parties shall take measures to discontinue such activity, clarify the situation and make reparation for any damage. Reparation for damage resulting from hazardous military activity by either State shall be made by that State in accordance with the commonly accepted principles and standards of international law. The Parties shall resolve questions that arise through consultations.

3. The Parties shall make use of every possible means of communication in respect of dangerous incidents of a military nature.

Article 9

1. If an unclear situation arises in the border area or in connection with questions or doubts on the part of one Party concerning observance of the Agreement by the other Party, each Party shall have the right to request information from the other Party.

2. In order to resolve questions and doubts that arise:

2.1 The requested Party must, within seven days (in emergency situations, within two days), reply to the request made by the other Party;

2.2 If, after receiving a reply from the other Party, the requesting Party still has questions and doubts, it may again request a further explanation by the other Party or propose the holding of a meeting to discuss the matter. The venue of the meeting shall be determined through agreement by the Parties.

3. In order to eliminate and resolve questions and doubts arising on the part of the other Party with regard to an unclear situation, the requested Party may, at its own discretion, invite the other Party to visit the areas, in respect of which the questions and doubts have arisen.

The conditions for conducting such visits, including the number of representatives to be invited, shall be determined by the inviting Party. The inviting Party shall bear the costs of conducting such visits in its territory.

4. The requests for information and the replies to them provided for above shall be transmitted through the diplomatic channel.

Article 10

1. The Parties shall conduct and develop the following forms of cooperation between armed forces in contiguous military districts:

1.1 Reciprocal official visits by military leaders;

1.2 Reciprocal familiarization trips by military delegations and specialist groups of various levels;

1.3 Reciprocal invitations, on a voluntary basis, of observers to troop and headquarter exercises;

1.4 Exchange of experience in the field of military construction and combat training as well as exchange of materials and information on the life and activities of troops;

1.5 Cooperation by administrative echelons, in construction, the provision of food, clothing and equipment to troops and other fields;

1.6 Reciprocal invitations, on a voluntary basis, to participate in the celebration of national holidays, cultural activities and sporting competitions;

1.7 Other forms of cooperation agreed by the Parties.

2. Specific plans for cooperation shall be agreed by the external liaison bodies of the Parties' armed forces.

Article 11

1. The Parties' border troops (border units) shall develop cooperation in the following areas:

1.1 Establishing and developing contacts among all levels of border units, discussing questions concerning border cooperation and exchanging information that promotes border cooperation;

1.2 Holding consultations and implementing agreed measures to suppress illegal activities and maintain tranquillity and stability on the State border;

1.3 Preventing possible incidents and conflict situations on the State border;

1.4 Timely notification and provision of mutual assistance in cases of natural disasters, epidemics, epizootic diseases and so forth which may cause damage to the other Party;

1.5 Exchanging experience in protecting the State border and training border troops (border units);

1.6 Exchanging delegations and developing cultural and sport exchanges and other types of friendly contacts.

2. Specific measures to promote cooperation among border troops (border units) shall be agreed by the border agencies of the Parties.

Article 12

The border troops (border units) of the Parties shall not use inhuman or rough treatment in dealing with border violators. The use of weapons by the border personnel of the Parties shall be determined by the domestic legislation of the Parties and the corresponding agreements of the Russian Federation, Kazakstan, Krygyzstan and Tajikistan with China.

Article 13

On the basis of agreement by the Parties, meetings of experts shall be conducted in order to discuss the implementation of this Agreement. The capitals of the States Parties to this Agreement shall alternately be the venue of such meetings.

Article 14

This Agreement shall not affect obligations undertaken previously by the Parties in respect of other States and shall not be directed against third countries or their interests.

Article 15

1. This Agreement shall be concluded for an indefinite period and may be amended or supplemented by agreement by the Parties.

2. Each of the Parties shall have the right to terminate this Agreement. The Party which intends to terminate it shall notify the other Party of its decision to do so not less than six months in advance in writing. This Agreement shall cease to have effect six months after such notification.

3. Each State of the Joint Party shall have the right to withdraw from this Agreement. A State of the Joint Party which intends to withdraw from this Agreement shall notify the other Party of its decision to do so not less than six months in advance in writing.

4. This Agreement shall remain in force as long as at least one State of the Joint Party which has not withdrawn from the Agreement and the Chinese Party remain parties to it.

Article 16

The Parties shall mutually notify one another about the fulfilment by the parties, including all the States of the Joint Party, of the internal State procedures required for the entry into force of this Agreement.

This Agreement shall enter into force on the date of the last notification in writing.

DONE at Shanghai (People's Republic of China) on 26 April 1996 in five copies, each in the Russian and Chinese languages, all texts in the Russian and Chinese languages being equally authentic.

For the Russian Federation:
B. YELTSIN

For the People's Republic of China:
JIANG Zemin

For the Republic of Kazakstan:
N. NAZARBAEV

For the Kyrgyz Republic:
A. AKAEV

For the Republic of Tajikistan:
E. RAKHMONOV